

STATE OF MINNESOTA

COUNTY OF RAMSEY

Criminal No.: 23-mj-659 (ECW)

AFFIDAVIT OF NATHAN BOYER

I, Nathan R. Boyer, being first duly sworn, state as follows:

INTRODUCTION

1. I am an investigator or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7) because my position is empowered by law to conduct investigations and make arrests for offenses enumerated in Title 18, United States Code, Section 2516. I also am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C) because I am a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since November 2016. I currently am assigned to the St. Paul Field Division. In my capacity as an ATF Special Agent, I have worked as a case agent and participated in numerous investigations related to possible violations of federal law, including the illegal use and trafficking of firearms, the illegal use and storage of explosives, and acts of arson and bombings. These investigations have included the use of various surveillance techniques and the execution of numerous search, seizure, and arrest warrants.

3. Prior to becoming a Special Agent, I obtained a Master of Science degree in Criminal Justice from St. Cloud State University. I then worked for ten years in the

chemical-dependency field. As I transitioned to becoming a federal agent, I graduated from the 26-week combined Criminal Investigator Training Program at the Federal Law Enforcement Training Center and the Special Agent Basic Training at the ATF National Academy. I have received significant training in criminal investigations, federal firearms violations, federal arson laws, and federal explosives laws.

4. This affidavit is made in support of a criminal complaint and arrest warrant charging **Frederick Leon Davis, Jr.** (YOB 2004) with Unlawful Possession of a Machinegun—that is a 9-millimeter Glock model 19 semi-automatic firearm, bearing serial number BTWZ810 and equipped with an attached conversion device, commonly known as a “switch” or “auto sear,” that enabled the firearm to be fired as fully automatic weapon by a single function of the trigger—in violation of Title 18, United States Code, Sections 922(o)(1), and 924(a)(2).

5. The facts set forth herein are based on my own personal observations, my review of police reports, and conversations I have had with other law enforcement personnel. The facts set forth herein do not include the complete facts related to this investigation, just those facts necessary to support probable cause for purposes of the Complaint.

PROBABLE CAUSE

6. On August 11, 2023, an undercover Minneapolis police officer was shot in the line of duty. The undercover officer was on routine patrol and driving an unmarked car in North Minneapolis when he observed a white Chevrolet Equinox turn at an intersection near Dowling Avenue North. The undercover officer previously had received information that a white Chevrolet Equinox, bearing Minnesota license plate

KTR-888, had been reported stolen and fled from law enforcement just an hour earlier. The same Chevrolet Equinox had also been reported as being involved in a spree of robberies and carjackings in the Brooklyn Park area over the past seventy-two hours.

7. At approximately 9:10 p.m., the undercover officer confirmed that the observed white Chevrolet Equinox bore the wanted KTR-888 license plate. The undercover officer pursued at a distance—to avoid being noticed—and called for backup to respond to the area. As the undercover officer crested a hill on Colfax Avenue North, he observed that the wanted white Chevrolet Equinox had parked on right-side of the street and turned off its lights. The undercover officer then heard what he initially presumed to be fireworks until he felt the concussions of blasts and saw apparent muzzle flashes emanating from the wanted white Chevrolet Equinox. The undercover officer felt his right arm go numb and accelerated away from the area while putting out a “shots fired” call on his radio.

8. Responding law enforcement officer quickly located the undercover officer and confirmed he had been shot in his right shoulder. The undercover officer was transported to a local area hospital to receive further medical attention. Ultimately, doctors successfully removed the bullet from the undercover officer, which had traveled from his scapula to his upper arm before finally lodging between his chest cavity and pectoral muscle. The bullet narrowly missed a main artery in the undercover officer’s right arm.

9. Law enforcement officers from numerous agencies simultaneously and quickly located the white Chevrolet Equinox as it attempted to flee the area. The Equinox aggressively fled from law enforcement—a pursuit that spanned 26 city blocks

and lasted over 8 minutes. The Equinox ultimately crashed at an intersection near 21st Avenue North and Upton Avenue North in Minneapolis. The driver and the front-seat passenger immediately fled from the vehicle on foot. A backseat passenger—subsequently identified as a juvenile male—stumbled out of the vehicle with an apparent injury. The other back-seat passenger—subsequently identified as J.B.—remained in the vehicle. Both were arrested and taken into custody without further incident.

10. Law enforcement officers quickly established a perimeter of the area to locate the driver and front-seat passenger who had fled. The suspects were located together in the backyard of a nearby residence and arrested. These suspects subsequently were identified as **DAVIS** and N.B.

11. On August 12, 2023, law enforcement officers conducted a *Mirandized* interview with J.B.. According to J.B., he had been sitting in the rear passenger seat of the vehicle along with someone he knew at “Poppy,” who he identified as the juvenile male. J.B. reported that “Freddy” had been driving the white Chevrolet Equinox with a female in the front passenger seat. J.B. described “Freddy” as wearing a camouflage brown-and-grey sweater. J.B. reviewed a photograph of **DAVIS** and identified the individual in the photograph as “Freddy.”

12. According to J.B., the group had been on their way to a party when they noticed a white car following them and then “the driver got to shooting.” **DAVIS** initially noticed a white car following the group and asked why someone was following them. J.B. turned around to look out the rear window when he heard **DAVIS** say “it’s gonna happen right here.” **DAVIS** then put the car in park and got out of the vehicle.

J.B. indicated he did not actually see **DAVIS** shoot a weapon.

13. Law enforcement officers subsequently obtained a search warrant for the white Chevrolet Equinox bearing Minnesota license plate KTR-888. Law enforcement officers recovered a black 9-millimeter model Glock 19 semi-automatic firearm—bearing serial number BTWZ810—near the brake pedal of the vehicle. The recovered firearm was equipped with an extended magazine and had an attached “switch” that converted the weapon to be fully automatic and operate as a machine gun. Law enforcement officers also recovered a black 9-millimeter, Polymer 80, Inc., model PF940SC semi-automatic firearm from the backseat of the vehicle.

14. Law enforcement officers also recovered approximately 15 discharged cartridge casings from the area of 4297 Colfax Avenue North, which is where the undercover officer reported the shooting occurred. The recovered discharged cartridge casings were preliminarily analyzed through the National Integrated Ballistic Information Network (NIBIN). NIBIN is used to compare ballistic evidence at different shootings to form potential evidentiary links between recovered ammunition and ballistics and a specific firearm.

15. According to the preliminary NIBIN analysis, 12 of the recovered discharged cartridge casings discharged from the recovered Glock 19 equipped with a “switch,” which was recovered near the brake pedal of the white Chevrolet Equinox. The preliminary analysis further indicated that, since June 1, 2023, the Glock 19 had been linked to five different shootings in the Twin Cities area. The other three discharged cartridge casings appeared to match the Polymer 80, Inc., semi-automatic firearm recovered in the backseat.

16. Law enforcement officers also reviewed ShotSpotter reports and audio recordings of the August 11, 2023 shooting in the area of the hill the undercover officer crested near Colfax Avenue North in Minneapolis. ShotSpotter is a gunshot detection technology owned and operated by SoundThinking, Inc. It uses sophisticated acoustic sensors to detect, locate, and alert law enforcement to potential gunfire incidents in real time. According to ShotSpotter, on August 11, 2023, at approximately 9:15 p.m., thirteen shots were fired in a location near 4297 Colfax Avenue North. I listened to the ShotSpotter audio recording and, based on my training and experience, the recording is consistent with fully-automatic gunfire.

17. On August 17, 2023, law enforcement conducted a recorded interview with an uninvolved individual who reportedly witnesses the August 11, 2023, shooting. According to the witness, on the evening of August 11, 2023, he exited his home in the area to retrieve his pet. The witness reported that, once outside, he observed a dark-skinned male shooting a firearm. The witness further described the shooter as younger-in-age African American with a slim build who was wearing light-colored clothing. The witness reported he could tell the male was holding a pistol in his right hand, that he saw a barrage of shots, and that the shots occurred in a really quick volley. Based on my training and experience, this witness's description of the gunfire is consistent with the sound that would occur from shots fired from a semi-automatic firearm equipped with a "switch" or "auto-sear."

18. On August 21, 2023, I reviewed video footage from after the white Chevy Equinox crashed following its flight from law enforcement. That footage showed N.P. immediately flee from the front passenger door of the car, quickly followed by DAVIS.

The footage also showed **DAVIS** wearing light clothing that was consistent with the clothing the witness described as being worn by the shooter, and that J.B. described as being worn by the driver of the vehicle.

CONCLUSION


19. Based on the facts set forth above, there is probable cause to believe that **Frederick Leon Davis, Jr.** (YOB 2004) committed the offense of Unlawful Possession of a Machinegun in violation of Title 18, United States Code, Sections 922(o)(1) and 924(a)(2).

Respectfully submitted,



Nathan Boyer
ATF Special Agent

SUBSCRIBED AND SWORN TO before me
by reliable electronic means via FaceTime
and email pursuant to Fed. R. Crim. P. 41(d)(3)
on August 23, 2023.



The Honorable Elizabeth Cowan Wright
United States Magistrate Judge